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PATENT & TRADEMARK OFFICE

Docket No.: 50193-109 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5

In re Application of	:	
Salah D. KIVLIGHN, et al.	:	
Serial No.: 09/892,505	:	Group Art Unit: 1636
Filed: June 28, 2001	:	Examiner: NGUYEN, QUANG

For: TREATMENT FOR CARDIOVASCULAR DISEASE

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RESPONSE TO OFFICIAL ACTION

Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Official Action of September 9, 2002 in this application In the Action, restriction was required between the following inventions:

Group I: Claims 1-2 and 5-9, drawn to methods of treating and preventing hypertension, and an agent capable of reducing uric acid levels;

Group II: Claims 3 and 5-9, drawn to methods of treating coronary heart disease and an agent capable of reducing uric acid levels;

Group III: Claims 4 and 5-9, drawing to methods of treating and preventing eclampsia and an agent capable of reducing uric acid levels; and

Group IV: Claims 10-13, drawn to a pharmaceutical composition comprising a rennin angiotensin system.

In response to this requirement, Applicant's elect the invention of Group I directed to claims 1-2 and 5-9, drawn to methods of treating and preventing hypertension by administering a therapeutically effective amount of an agent, and an agent capable of

reducing uric acid levels. The requirement for restriction is respectfully traversed and reconsideration is requested.

In addition, the Examiner indicates that should one of the groups I-IV be elected further restriction is required because the claims in each group contain patentably distinct agents capable of reducing uric acid levels. The Examiner lists these agents as being of those exemplified by gene therapy, a xanthine oxidase inhibitor, a uricosuric agent, supplements of the uricase protein and a urate channel inhibitor. In response to this require, Applicant's elect the xanthine oxidase inhibitor species. The ultimate species is alloperinol. This requirement for election is respectfully traversed and reconsideration is requested. In making the restriction requirement, the Examiner holds that the inventions of Groups I-IV differ from the others because they require different technical consideration. However, it is noted that several of the same claims are in the same groups. Further, each of the claims requires administration of a material which is capable of reducing uric acid levels in a patient in need of such treatment. Therefore, there is a commonality among the claims and Applicant submits that this is sufficient basis to avoid the restriction requirement. Accordingly, it is respectfully requested that in the event of the allowance of the elected claims, that the other claims be rejoined and all claims allowed in the application.

The requirement for the election of species is also traversed and reconsideration is requested. The election requirement is between the use of the different agents or methods to reduce uric acid levels as recited in claim 5. It is submitted that all of these methods and agents are directed to achieve the same result and therefore all the species should be examined in this single application.

As indicated, the elected separate agent group is xanthine oxidase inhibitor and the elected species is allopurinol. Claims 1-5, 7 and 10-13 are considered readable on the elected species. Further, at least claims 1-5 are generic to the elected invention.

It is believed that the above represents a complete response to the Official Action and action on the merits is now in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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